

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

ARTURO ROJAS-JAIME,

Defendant.

05 Cr. 708 (AKH)

MOTION FOR RELEASE OF
MEDICAL RECORDS

Early Saturday morning, while housed at MDC Brooklyn, defendant suffered a serious brain injury. He was brought to the Lutheran Medical Center for treatment where he underwent a craniotomy. The Lutheran Medical Center is one mile from the MDC.

After hearing of his father's injury, the defendant's son, Arturo Rojas-Jaime, Jr., flew in from Venezuela to be with his father. He was accompanied by his Aunt and Uncle. Defendant's physical condition as a result of brain surgery was so severe that initially Mr. Rojas-Jaime, Jr. could not recognize his father.

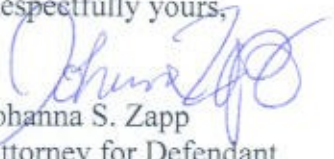
While visiting with the defendant, Arturo Rojas-Jaime, Jr.'s uncle, the defendant's brother-in-law, received a message that Arturo Rojas-Jaime, Jr.'s mother was dying and it appeared that she would not live through the next 24 hours. Mr. Rojas-Jaime, Jr.'s mother had been battling stomach cancer for some time and her condition continuously deteriorated. She passed away this morning. Mr. Rojas-Jaime, Jr. now plans on traveling back to South America to be with his sister and to attend his mother's funeral.

At this point in time, I respectfully request that the Lutheran Medical Center release all of defendant's medical records (X-Rays, CAT Scans, etc.) for further review. The hospital has not given family or counsel clear information regarding defendant's medical condition and both parties have received conflicting information as to defendant's treatment. The defendant has been unconscious since Saturday and the lack of medical information and a conclusive prognosis has created unwarranted stress and worry for the family. It is now Monday and the family should be provided with clear and complete information regarding the defendant's condition.

Once the medical records are released, they are to be reviewed by Dr. Govindan Gopinathan, a neurology specialist at the NYU Medical Center (Dr. Gopinathan's CV is attached as exhibit A).

I have spoken to AUSA Anjan Sahni and he has no objections to the request.

Respectfully yours,



Johanna S. Zapp
Attorney for Defendant
Arturo Rojas-Jaime

To: Clerk of the Court
U.S. District Court
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

AUSA Anjan Sahni
United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January 2008, I caused to be served
a copy of this motion via ECF on:

AUSA Anjan Sahni
United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007



Sam Javna